



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Toshiyuki MIYABAYASHI

Serial No.: 10/675,865

Group No.

Filed: September 30, 2003

Examiner:

For: MICROENCAPSULATED PIGMENT, PRODUCTION PROCESS THEREFOR, AND  
AQUEOUS DISPERSION AND INK JET RECORDING INK USING THE PIGMENT

Attorney Docket No.: U 014833-7

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

We draw the attention of the Examiner to the attached references which are  
considered in the specification and which are also listed on the attached Form PTO-1449.

Clifford J. Mass  
Registration No. 30,086  
c/o LADAS & PARRY  
26 West 61st Street  
New York, NY 10023  
(212) 708-1890

Respectfully submitted,

Clifford J. Mass

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***  
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☐ **37 C.F.R. 1.10\***  
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☐ transmitted by facsimile to the Patent and Trademark Office.

Date: February 17, 2004

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oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement  
will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.



Practitioner's Docket No. U 014833-7

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application  
of \_\_\_\_\_  
Inventor(s)  
for \_\_\_\_\_  
Title of invention

**OR**

In re application of: **Toshiyuki MIYABAYASHI**  
Serial No.: 10/675,865  
Filed: September 20, 2003  
Group No.:  
Examiner:  
For: **MICROENCAPSULATED PIGMENT, PRODUCTION PROCESS THEREFOR, AND  
AQUEOUS DISPERSION AND INK JET RECORDING INK USING THE PIGMENT**

**Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450**

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b))**

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***  
*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

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**37 C.F.R. 1.8(a)**

**37 C.F.R. 1.10\***

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**TRANSMISSION**

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: February 17, 2004

Signature  
CLIFFORD J. MASS  
(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: 37 C.F.R. 1.98(b):

- (1) *Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.*
- (2) *Each U.S. patent application published listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.*
- (3) *Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.*
- (4) *Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.*
- (5) *Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.*

**WARNING:** *No extension of time can be had under 37 C.F.R. § 1.36 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).*

**NOTE:** *The "filing date of a national application" under 37 C.F.R. 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark office, the filing is defined in 37 C.F.R. 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 C.F.R. 1.97(b)(2).*

### **IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. 1.97(b).

**NOTE:** *"No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."*

**NOTE:** *"An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

**NOTE:** *"The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

Reg. No.: 30,086

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Customer No.: 00140



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**SIGNATURE OF PRACTITIONER**

**CLIFFORD J. MASS**

*(type or print name of practitioner)*

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**LADAS & PARRY**

P.O. Address

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**26 WEST 61<sup>ST</sup> STREET**  
**NEW YORK, N.Y. 10023**

<b>FORM PTO-1449</b> <b>U. S DEPARTMENT OF COMMERCE</b> <b>PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b>  (Use several sheets if necessary)	<b>ATTY. DOCKET NO.</b>		<b>SERIAL NO.</b>
	<b>U 014833-7</b>		<b>10/675,865</b>
	<b>APPLICANT</b>		
	<b>TOSHIYUKI MIYABAYASHI</b>		
	<b>FILING DATE</b>		<b>GROUP</b>
	<b>9/30/2003</b>		

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
				YES	NO
AA	10-316909	12/1998	JP	X	
AB					
AC					
AD					
AE					
AF					
AG					
AH					
AI					

## OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

AJ	English language translation of JP 10-316909, December 2, 1998
AK	
AL	
AM	
AN	
AO	
AP	
AQ	
AR	

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
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**EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>FORM PTO-1449</b> <b>U. S DEPARTMENT OF COMMERCE</b> <b>PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b>  (Use several sheets if necessary)	<b>ATTY. DOCKET NO.</b>	<b>SERIAL NO.</b>
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	<b>FILING DATE</b>	<b>GROUP</b>
	<b>9/30/2003</b>	

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	AA	9-286939	11/1997	JP	X	
	AB	2000-44852	2/2000	JP	X	
	AC	2000-53897	2/2000	JP	X	
	AD	2000-53898	2/2000	JP	X	
	AE	2000-53899	2/2000	JP	X	
	AF	2000-53900	2/2000	JP	X	
	AG	5-339516	12/1993	JP	X	
	AH	11-166145	6/1999	JP	X	
	AI	8-302227	11/1996	JP	X	

## OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

	AJ	English language translation of JP 9-286939, November 4, 1997
	AK	English language translation of JP 2000-44852, February 15, 2000
	AL	English language translation of JP 2000-53897, February 22, 2000
	AM	English language translation of JP 2000-53898, February 22, 2000
	AN	English language translation of JP 2000-53899, February 22, 2000
	AO	English language translation of JP 2000-53900, February 22, 2000
	AP	English language translation of JP 5-339516, December 21, 1993
	AQ	English language translation of JP 11-166145, June 22, 1999
	AR	English language translation of JP 8-302227, November 19, 1996

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
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	<b>9/30/2003</b>	

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
				YES	NO
	AA	9-31360	JP	X	
	AB	9-217019	JP	X	
	AC	9-316353	JP	X	
	AD	9-104834	JP	X	
	AE	9-151342	JP	X	
	AF	10-140065	JP	X	
	AG	11-152424	JP	X	
	AH	11-199783	JP	X	
	AI	11-209672	JP	X	

## OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

AJ	English language translation of JP 9-31360, February 4, 1997
AK	English language translation of JP 9-217019, August 19, 1997
AL	English language translation of JP 9-316353, December 9, 1997
AM	English language translation of JP 9-104834, April 22, 1997
AN	English language translation of JP 9-151342, June 10, 1997
AO	English language translation of JP 10-140065, May 26, 1998
AP	English language translation of JP 11-152424, June 8, 1999
AQ	English language translation of JP 11-199783, July 27, 1999
AR	English language translation of JP 11-209672, August 3, 1999

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				YES	NO
AA	8-218015	8/1996	JP	X	
AB	8-295837	11/1996	JP	X	
AC	9-3376	1/1997	JP	X	
AD	8-183920	7/1996	JP	X	
AE	10-46075	2/1998	JP	X	
AF	10-292143	11/1998	JP	X	
AG	11-80633	3/1999	JP	X	
AH	11-349870	12/1999	JP	X	
AI	2000-7961	1/2000	JP	X	

## OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

AJ	English language translation of JP 8-218015, August 27, 1996
AK	English language translation of JP 8-295837, November 12, 1996
AL	English language translation of JP 9-3376, January 7, 1997
AM	English language translation of JP 8-183920, July 16, 1996
AN	English language translation of JP 10-46075, February 17, 1998
AO	English language translation of JP 10-292143, November 4, 1998
AP	English language translation of JP 11-80633, March 26, 1999
AQ	English language translation of JP 11-349870, December 21, 1999
AR	English language translation of JP 2000-7961, January 11, 2000

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TOSHIYUKI MIYABAYASHI

FILING DATE

GROUP

9/30/2003

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	AA	2002-226741	8/2002	JP	X	
	AB	3-157464	7/1991	JP	X	
	AC	10-110129	4/1998	JP	X	
	AD	7-94634	10/1995	JP	X	
	AE	11-49974	2/1999	JP	X	
	AF	8-59715	3/1996	JP	X	
	AG	8-302228	11/1996	JP	X	
	AH	8-81647	3/1996	JP	X	
	AI	5-320276	12/1993	JP	X	

## OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

	AJ	English language translation of JP 2002-226741, August 14, 2002
	AK	English language translation of JP 3-157464, July 5, 1991
	AL	English language translation of JP 10-110129, April 28, 1998
	AM	English language translation of JP 7-94634, October 11, 1995
	AN	English language translation of JP 11-49974, February 23, 1999
	AO	English language translation of JP 8-59715, March 5, 1996
	AP	English language translation of JP 8-302228, November 19, 1996
	AQ	English language translation of JP 8-81647, March 26, 1996
	AR	English language translation of JP 5-320276, December 3, 1993

EXAMINER

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